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To:	USPTO Office of Petitions	From:	Claire Wygand for Klaus Schweitzer Phone: (704) 365-4881 Fax: (704) 365-4851
Fax:	(703) 308-6916	Pages:	7 pages total Transmittal facsimile cover sheet (1 page) Limited Recognition (1 page) Request for Reconsideration of Patent Term Adjustment (2 pages) Statement of the Correct Patent Term Adjustment (3 pages)
Phone:		Date:	January 7, 2005
Re:	Application No. 10/089,261 Filed March 26, 2002 Our Ref.: 99/N007 TPA	CC:	

Attached are the documents as indicated above.

Respectfully submitted,

Claire Wygand
Claire Wygand

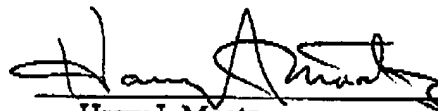
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)

Klaus Schweitzer is hereby given limited recognition under 37 CFR § 11.9(b) as an employee of ProPat, L.L.C. to prepare and prosecute U.S. patent applications wherein the applicant is the client of ProPat, L.L.C., and the attorney of record in the applications is Gregory Clements (Reg. No. 30,713) and/or Cathy Moore (Reg. No. 45764). This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Klaus Schweitzer ceases to lawfully reside in the United States, (ii) Klaus Schweitzer's employment with ProPat, L.L.C. ceases or is terminated, or (iii) Klaus Schweitzer ceases to remain or reside in the United States on an E2 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: July 19, 2005



Harry I. Moatz
Director of Enrollment and Discipline

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PATENT

Attorney Docket No. 99/N007 TPA
Customer No. 38263

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: *Wieners et al.*

Confirmation No.: 2940

Appl. No.: 10/089,261

Group Art Unit: 1732

Filed: March 26, 2002

Examiner: S. McDowell

For: **Label Made of Polyolefin Film**

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450 Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
INDICATED IN THE ISSUE NOTIFICATION
(37 C.F.R. § 1.705)**

1. This is a request for reconsideration of the patent term adjustment indicated in the Issue Notification mailed on December 16, 2004.
2. Applicant submits herewith a "Statement of the Correct Patent Term Adjustment Basis Under § 1.702" and
3. Any patent granted on this application (37 C.F.R. § 1.705(b)(2)(iii)) is not subject to a terminal disclaimer.
4. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in § 1.704 (37 C.F.R. § 1.705(b)(2)(iv)): Applicants submit that there were none or, alternatively, only 23 days of delay may arguably have been incurred (37 C.F.R. § 1.705(b)(2)(iv)(B)).

In re: *Wieners et al.*
Application No.: 10/089,261
Filed: March 26, 2002
Page 2

5. The fee set forth in § 1.18(e) (\$200.00), required by 37 C.F.R § 1.705(b)(1), is paid as follows:
Authorization is hereby made to charge the fees to Deposit Account No. 50-2193.
6. Charge any additional fees required by this paper or credit any overpayment to Deposit Account 50-2193.

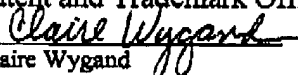
Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to (703) 308-6916 on January 7, 2004.


Claire Wygand

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Attorney Docket No. 99N007 TPA
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wieners *et al.*

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**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT
BASIS UNDER § 1.702**

1. This statement is being submitted in support of the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN THE ISSUE NOTIFICATION" to which this statement is attached.

37 C.F.R. § 1.705(b)(2)(i)

2. The patent term adjustment shown on the Issue Notification is 176 days. It is respectfully submitted that the correct patent term adjustment under § 1.702 is 296 days or, in the alternative, 273 days.

37 C.F.R. § 1.705(b)(2)(ii)

NOTE: Under § 1.705(b)(2)(ii) applicant must set forth: "The relevant dates as specified in § 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703 (f) to which the patent is entitled. "

3. The basis on which applicant seeks adjustment are as follows:

Statement of the Facts:

- (i) Applicants filed the above-referenced case on March 26, 2002.

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Application No.: 10/089,261
Filed: March 26, 2002
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(ii) An initial Office Action ("Office Action") was issued in the above-referenced case on March 17, 2004, incurring a Patent Term Adjustment ("PTA") of 296 days.

(iii) A timely amendment was filed on June 15, 2004 ("Amendment"). The Amendment removed references cited within the Office Action based on the filing date of the German parent application. The Amendment noted that the English translation of the German parent application, required under 37 CFR 1.55(4) to remove intervening references, had been ordered and was forthcoming. (*please see* MPEP 201.15).

(iv) A Notice of Allowance was issued in the above-referenced case on July 1, 2004, noting a Patent Term Adjustment ("PTA") of 296 days.

(v) A Supplemental Response ("Supplemental Response") providing the required English translation noted within the foregoing Amendment and making no amendments to the claims was filed on July 6, 2004.

(vi) An Issue Notification was forwarded on December 16, 2004 in the above-referenced case, indicating that the PTA had been reduced to 176 days.

Basis for Restatement/Adjustment of PTA

Applicants respectfully submit that the correct PTA for the above-referenced case is 296 days or, in the alternative, 273 days.

Applicants respectfully submit that the foregoing Supplemental Response should be considered under 37 CFR 1.704 (c)(8) as a supplemental reply requested by the Office, due to the requirements of 37 CFR 1.55(4). Hence, the Patent Term Adjustment should remain at 296 days.

In the alternative, as the Examiner did not make an express request for the English translation (although it is required by the Office), Applicants respectfully submit that PTA could alternatively be 273 days, i.e. a loss of 23 days between the filing of the Amendment and the Supplemental Response.

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The Office instead appears to categorize the Supplemental Response under 37 CFR 1.704(c)(10), as a paper filed after a Notice of Allowance has been issued. Applicants respectfully submit that if the Supplemental Response does fall under 37 CFR 1.704(c)(10), then it should be categorized as a response to the Examiner's reasons for allowance, i.e. the Examiner allowed the case based on the removal of the cited references. A response to the Examiner's reasons for allowance is not considered a failure to engage in reasonable efforts to conclude processing or examination, as noted in MPEP 2732 (pg 2700-21), and thus incurs no reduction in the PTA. Consequently, Applicants respectfully submit that the above-referenced case is thus entitled to a PTA of 296 days considered under 37 CFR 1.704(c)(10) as well.

It is requested that the Office telephone the undersigned if any questions remain.

Respectfully submitted,



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Claire Wygand
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